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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,949	01/11/2001	Robert C. Frisch	0102323-00061	9640

21125 7590 06/04/2004

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EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/758,949

Applicant(s)

FRISCH ET AL.

Examiner

Brian D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☒ Claim(s) 1-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-23 are objected to because of the following informalities:

Claim 1, line 5, "the message" seems to refer back to "a message packet" in line 3. If this is true, it is suggested to change "the message" to ---the message packet---. In line 6, "relation in to a frame signal" seems to mean "relation to a frame signal". If this is true, it is suggested to change "relation in to a frame signal" to ---relation to a frame signal---.

Claim 7, line 1, "a link" seems to refer back to "at least one link" in line 2 of claim 1. If this is true, it is suggested to change "a link" to ---the link---. "a first node" in line 2 seems to refer back to "a first node" in line 4 of claim 1. If this is true, it is suggested to change "a first node" to ---the first node---

Claim 8, line 1, "an adjacent node" seems to refer back to "an adjacent node" in line 10 of claim 1. If this is true, it is suggested to change "an adjacent node" to ---the adjacent node---

Claim 11, lines 5-6, "relation in to a frame signal" seems to mean "relation to a frame signal". If this is true, it is suggested to change "relation in to a frame signal" to ---relation to a frame signal---. In line 8, it is suggested to replace "a the" with ---the---

Claim 16, lines 5-6, "relation in to a word boundaries" seems to mean "relation to word boundaries". If this is true, it is suggested to change "relation in to word boundaries" to ---relation to word boundaries---

Claim 19, line 2, it is suggested to change "a adjacent receiving node" to ---an adjacent receiving node---

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Claim 21, line 2, "adjacent first and a second nodes" should be changed to ---adjacent first and second nodes---.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-15, 17, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "said receiving node" in line 10; "the first receiving node" and "the transmitting node" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "said output buffer" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the adjacent receiving node" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani et al (6,574,211) in view of Yeung et al (6,438,13).

Regarding claims 16-19, Padovani discloses a system comprising a plurality of nodes, the two adjacent nodes are communicating to one another over a link and the transmission rate is adjustable to meet the network condition (see abstract; col. 7, lines 1-6; col. 29, lines 52-62). Padovani does not specifically disclose aligning the message packet. However, aligning the message packet is well known in the art. Yeung discloses this limitation (see col. 8, line 40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to aligning the message packet in relation to word boundaries as taught by Yeung in the system of Padovani in order to meet specific needs.

6. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable Keen (5,664,091) in view of Arimilli et al (6,671,712).

Regarding claims 21-23, Keen discloses a system that comprises a first node and a second node. Data and control information is transmitted between the first and second node and retransmitting data packet if the packet is not received at the receiving node (see abstract; col. 5, line 65-col. 6, line 6). Keen does not specifically disclose STOMP symbol. However, the STOMP symbol is well known in the art. Arimilli discloses use the STOMP symbol to cancel an interrupted packet (see col. 3, line 39). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the STOMP symbol to cancel the interrupted packet as taught by Yeung in the system of Keen in order to eliminate unusable packet from the network.

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*Allowable Subject Matter*

7. Claims 1-15 and 20 would be allowable if rewritten or amended to overcome the objection(s) and/or the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian Nguyen  
5/29/04